

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

04/15/16

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INTRODUCTION

Tennessee Code Annotated section 17-4-301 et seq. charges the Trial Court Vacancy Commission with assisting the Governor and the People of Tennessee in finding and appointing the best qualified candidates for judicial offices in this State. Please consider the Commission's responsibility in answering the questions in this application questionnaire. For example, when a question asks you to "describe" certain things, please provide a description that contains relevant information about the subject of the question and, especially, that contains detailed information that demonstrates that you are qualified for the judicial office you seek. In order to properly evaluate your application, the Commission needs information about the range of your experience, the depth and breadth of your legal knowledge, and your personal traits such as integrity, fairness, and work habits.

This document is available in word processing format from the Administrative Office of the Courts (telephone 800.448.7970 or 615.741.2687; website www.tncourts.gov). The Commission requests that applicants obtain the word processing form and respond directly on the form. Respond in the box provided below each question. (The box will expand as you type in the document.) Review the separate instruction sheet prior to completing this document. Submit original (unbound) completed application (with ink signature) to the Administrative Office of the Courts. In addition, submit a digital copy with electronic or scanned signature via email to debra.hayes@tncourts.gov, or via another digital storage device such as flash drive or CD.

THIS APPLICATION IS OPEN TO PUBLIC INSPECTION AFTER YOU SUBMIT IT.

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

Judge, Division III, General Sessions Court of Davidson County at Nashville

2. State the year you were licensed to practice law in Tennessee and give your Tennessee Board of Professional Responsibility number.

1999, BPR No. 019762

3. List all states in which you have been licensed to practice law and include your bar number or identifying number for each state of admission. Indicate the date of licensure and whether the license is currently active. If not active, explain.

State of Tennessee, 1999, BPR No. 019762

Active

4. Have you ever been denied admission to, suspended or placed on inactive status by the Bar of any State? If so, explain. (This applies even if the denial was temporary).

No.

5. List your professional or business employment/experience since the completion of your legal education. Also include here a description of any occupation, business, or profession other than the practice of law in which you have ever been engaged (excluding military service, which is covered by a separate question).

In October 1997, I was hired as a Staff Attorney with the Office of the District Attorney General, Twentieth Judicial District in Davidson County, Tennessee.

In 1999, I was appointed as an Assistant District Attorney General with the Office of the District Attorney General where I served until December 2005 when I resigned to run for a retiring judge's vacant seat.

In 2006, I was elected Judge in Division III of the Davidson County General Sessions Court. After running unopposed in 2014, I was reelected for a second term to the position.

August 2, 2017, I was hired as an adjunct professor at the Nashville School of Law where I teach

the General Sessions Court Practicum. This course is designed to provide a practical insight into the General Sessions Court practice with a primary focus on the application of relevant rules and procedures for civil and criminal court actions.

6. Describe the nature of your present law practice, listing the major areas of law in which you practice and the percentage each constitutes of your total practice.

I am currently a judge in the General Sessions Court for Davidson County, therefore I am no longer engaged in the practice of law. General Sessions Court judges have both criminal and civil jurisdiction. Additionally, I am one of three judges who presides over the dedicated Domestic Violence Court.

7. Describe generally your experience (over your entire time as a licensed attorney) in trial courts, appellate courts, administrative bodies, legislative or regulatory bodies, other forums, and/or transactional matters.

In 1997, I was hired as a Staff Attorney in the Office of the District Attorney General, Twentieth Judicial District. My first assignment was on the Domestic Violence Prosecution Team where I prosecuted cases in the General Sessions Court. Under the supervision of a licensed attorney, I negotiated plea agreements, conducted trials and preliminary hearings, and prepared cases for presentment and indictment to the Davidson County Grand Jury.

My second assignment as a Staff Attorney was in the Davidson County Juvenile Court where I drafted juvenile delinquency petitions and prosecuted delinquency matters ranging from minor offenses, including truancy and curfew violations, to major criminal offenses, including assaults, weapons and drug related crimes, robbery, and homicide. I also assisted with juvenile felony transfer hearings.

In 1999, I was appointed as an Assistant District Attorney General and reassigned to the General Sessions and Criminal Courts of Davidson County where I prosecuted cases involving a wide range of criminal offenses with a particular emphasis on cases involving domestic violence.

I was elected in 2006 and reelected in 2014 to my current position on the Davidson County General Sessions Court bench.

In 2007 and 2011, I was appointed to the Tennessee Court of the Judiciary. In 2012 and 2015, I was appointed to this body's successor, the Board of Judicial Conduct. The duties of this body include investigating ethics complaints filed against judges and providing an appropriate process for sanctions when warranted.

8. Describe any matters of special note involving your practice in trial courts, appellate courts, and administrative bodies.

State of Tennessee v. Stephen Bart Wood, 91 S.W.3rd 769 (Tenn. App. 2002). One the issues in this case involved the imposition of a day-for-day consecutive sentence for criminal contempt arising out of a violation of a civil order of protection. I prosecuted this case in the Davidson County General Sessions Court, and after a conviction for 36 violations of an order of protection, I argued that the sentencing court was authorized to sentence the defendant to ten consecutive days for each contempt violation. The defendant was sentenced to 360 days for criminal contempt. After sentencing, the defendant appealed the case to the Davidson County Criminal Court which affirmed the sentence of the General Sessions Court. The defendant appealed to the Tennessee Court of Appeals. Although the case was remanded to the Circuit Court for sentencing for matters related to jurisdiction, the Court of Appeals held that the Criminal Sentencing Reform Act of 1989 did not apply to convictions for criminal contempt of a violation of a civil order of protection, thus allowing for consecutive day-for-day sentencing for such violations.

State of Tennessee v. Latonya Taylor, 2006 Tenn.Crim.App.Lexis 594 (Tenn. Crim App. 2006). I prosecuted this case in the Davidson County Criminal Court which resulted in the defendant being convicted of aggravated robbery, especially aggravated kidnapping and two counts of kidnapping surrounding events that occurred in March 1997 at an Arby's restaurant in Nashville. This was significant because this conviction was used for enhanced sentencing in the defendant's subsequent prosecution in a high profile case in Rutherford County for three counts of premeditated first degree murder, especially aggravated robbery and two counts of especially aggravated kidnapping surrounding events that occurred in July 2000 at a Captain D's restaurant in Smyrna, Tennessee.

In re: The Honorable Lu Ann Ballew, This matter was brought before the Tennessee Board of Judicial Conduct on allegations that Child Support Magistrate Lu Ann Ballew violated the Code of Judicial Conduct by demonstrating bias and subsequently publicly commenting on a matter pending before the court. I served as the Presiding Hearing Panel Member for this hearing and authored the opinion of the hearing panel. In this case, Magistrate Ballew entered a name change of a child, without the parents' consent, holding that the child's given name "... means Savior, Deliverer, the One who will restore God's kingdom." She further stated that "Messiah is a title held only by Jesus Christ," and that "[l]abelling this child 'Messiah' places an undue burden on him that as a human being, he cannot fulfill." During a publicly broadcast news interview while the case was pending appeal, Magistrate Ballew stated that "[t]he word 'Messiah' is a title and it's a tittle that has only been earned by one person and that one person is Jesus Christ." The hearing panel of the Board of Judicial Conduct held that by her actions, Magistrate Ballew violated the Canons of Ethics by demonstrating religious bias and making public comments about a pending case.

9. Describe any other legal experience, not stated above, that you would like to bring to the attention of the Commission.

In 1996, I served as a summer intern with the Office of the District Attorney General for the Fifth Judicial District in Blount County, Tennessee. Pursuant to Rule 7 of the Tennessee

Supreme Court, I prosecuted cases under the supervision of licensed attorneys in the District Attorney General's Office.

In 1995, I served as a summer intern for Justice Adolpho A. Birch, Jr. at the Tennessee Supreme Court. In this position, I performed legal research on written decisions and in preparation for oral arguments.

10. List and describe all prior occasions on which you have submitted an application for any state or federal judicial position.

In 2014, I asked Congressman Jim Cooper to submit my name to the White House Counsel for consideration to fill the vacancy on the United States District Court bench created by the retirement of Judge William Haynes. I was not contacted by the White House Counsel to submit an application.

EDUCATION

11. List each college, law school, and other graduate school which you have attended, including dates of attendance, degree awarded, major, any form of recognition or other aspects of your education you believe are relevant, and your reason for leaving each school if no degree was awarded.

1994 – 1997: University of Toledo College of Law, Toledo, Ohio. Awarded a Doctor of Jurisprudence. Toledo Roundtable Scholarship; Brief Writer and Oral Advocate, 1996 Dominick C. Gabrielli National Family Law Moot Court Competition; Member, The Association of Trial Lawyers of America; Member, Black Law Students Association.

Summer 1996: University of Tennessee College of Law, Knoxville, Tennessee. I took a summer class to accumulate extra hours while I interned with the Office of the District Attorney General in Blount County.

1989 – 1993: Lane College, Jackson, Tennessee. Awarded a Bachelor of Arts Degree in English, Cum Laude. Awarded the William H. Graves Academic Scholarship my sophomore year and the Presidential Scholarship my junior and senior years. National Dean's List; Who's Who Among Students in American Colleges and Universities; President, Student Government Association; Student Representative on the Presidential Search Committee.

Summer 1992: University of Maryland at College Park, College Park, Maryland. Summer Undergraduate Research Program. Outstanding Accomplishment in Research Award.

PERSONAL INFORMATION

12. State your date of birth.

May 29, 1971

13. How long have you lived continuously in the State of Tennessee?

All of my life. I attended law school in Toledo, Ohio, but I maintained residency in Tennessee during my matriculation in law school.

14. How long have you lived continuously in the county where you are now living?

All of my life. I attended undergraduate school in Jackson, Tennessee, law school in Toledo, Ohio and a summer class in Knoxville, Tennessee, but I maintained residency in Davidson County during my matriculation in undergraduate and law school.

15. State the county in which you are registered to vote.

Davidson County, Tennessee

16. Describe your military service, if applicable, including branch of service, dates of active duty, rank at separation, and decorations, honors, or achievements. Please also state whether you received an honorable discharge and, if not, describe why not.

Not Applicable.

17. Have you ever pled guilty or been convicted or are now on diversion for violation of any law, regulation or ordinance other than minor traffic offenses? If so, state the approximate date, charge and disposition of the case.

No.

18. To your knowledge, are you now under federal, state or local investigation for possible violation of a criminal statute or disciplinary rule? If so, give details.

No.

19. Please identify the number of formal complaints you have responded to that were filed against you with any supervisory authority, including but not limited to a court, a board of professional responsibility, or a board of judicial conduct, alleging any breach of ethics or unprofessional conduct by you. Please provide any relevant details on any such complaint if the complaint was not dismissed by the court or board receiving the complaint.

I was required to respond to one complaint filed against me with the Board of Judicial Conduct in September 2015. This complaint involved my removal of a defendant in a criminal case from court during a preliminary hearing due to his disruptive behavior throughout the course of the proceeding. The defendant was charged with serious domestic violence related offenses. In the presence of all parties, including the alleged victim of the offenses, the defendant displayed uncooperative behavior and began reciting language indicative of sovereign citizenship. I attempted several times to encourage the defendant to cooperate and warned him that his continued disruptive behavior could result in his removal from the courtroom. Because of his behavior, and out of concern of the impact of the defendant's behavior on the impending testimony of the alleged victim, pursuant to Rule 43 of the Tennessee Rules of Criminal Procedure, I decided to have the defendant removed from the courtroom. Throughout the hearing, and in his absence, the defendant was represented by counsel. After its investigation, the Board of Judicial Conduct found no grounds for ethical violations.

There have been a few occasions in which I received letters from disciplinary counsel informing me that complaints filed against me were dismissed without the necessity of an investigation or response from me.

20. Has a tax lien or other collection procedure been instituted against you by federal, state, or local authorities or creditors within the last five (5) years? If so, give details.

No.

21. Have you ever filed bankruptcy (including personally or as part of any partnership, LLC, corporation, or other business organization)?

No.

22. Have you ever been a party in any legal proceedings (including divorces, domestic proceedings, and other types of proceedings)? If so, give details including the date, court and docket number and disposition. Provide a brief description of the case. This question does not seek, and you may exclude from your response, any matter where you were involved only as a nominal party, such as if you were the trustee under a deed of trust in a foreclosure proceeding.

Yes. Arun Rattan vs. General Sessions Court of Davidson County, et al, Civil No. 3:12-0313. This was a suit brought against the General Sessions Court of Davidson County filed in the United States District Court on March 29, 2012. The plaintiff was Attorney Arun Rattan who alleged as the basis of his suit that he suffered the loss of income because the General Sessions Court judges did not allow Mr. Rattan to receive court appointed cases, and that such denial of court appointments was based on the plaintiff's race. On February 20, 2013, the United States District Court issued an order granting the Motion to Dismiss filed by the Metropolitan Department of Law on behalf of the defendants. On September 9, 2013, the United States Court of Appeals for the Sixth Circuit issued an order denying the plaintiff's appeal.

23. List all organizations other than professional associations to which you have belonged within the last five (5) years, including civic, charitable, religious, educational, social and fraternal organizations. Give the titles and dates of any offices which you have held in such organizations.

June 2015 – Present, Member, The Links, Incorporated, Nashville Chapter

September 2015 – Present, Co-Chair, National Trends and Services Committee

February – May, 2016, Chair, Nominating Committee

February 2006 – Present, Member, Tennessee Women's Political Collaborative (Formerly Nashville Women's Political Caucus)

April 1991 – Present, Member, Delta Sigma Theta Sorority, Incorporated

September 2015 – May 2017, Parliamentarian, Nashville Chapter

1997 – 2015 – National Association for the Advancement of Colored People

2003 – Present, Member, Greater Bethel African Methodist Episcopal Church

2004 – 2006, Member, Board of Trustees

24. Have you ever belonged to any organization, association, club or society which limits its membership to those of any particular race, religion, or gender? Do not include in your answer those organizations specifically formed for a religious purpose, such as churches or synagogues.

- a. If so, list such organizations and describe the basis of the membership limitation.

- b. If it is not your intention to resign from such organization(s) and withdraw from any participation in their activities should you be nominated and selected for the position for which you are applying, state your reasons.

Public Service Sorority - Delta Sigma Theta Sorority, Inc. is a service organization founded in 1913 by twenty-two collegiate women committed to the development of its members and to public service. It is a private, not-for-profit organization whose purpose is to provide assistance and support through established programs in local communities throughout the world.

Service Organization - The Links, Inc. is one of the nation's oldest and largest volunteer service organizations. It is an international, not-for-profit organization committed to enriching, sustaining and ensuring the cultural and economic survival of African Americans. Members contribute more than 500,000 documented hours of community service annually. Although a majority of the members consist of women of color, the organization does not engage in insidious discrimination practices.

While the membership of both of the listed organizations consist of women, both are committed to public service and enhancing the lives of people in the community.

ACHIEVEMENTS

25. List all bar associations and professional societies of which you have been a member within the last ten years, including dates. Give the titles and dates of any offices which you have held in such groups. List memberships and responsibilities on any committee of professional associations which you consider significant.

2006 – Present, Member, Napier-Looby Bar Association

2006 – Present, Member, Tennessee Bar Association

2013 – Present, TBA Committee on the Judiciary Leadership

2010 – 2013, TBA Leadership Law Steering Committee

2009, TBA Task Force on the Rules of Judicial Conduct

2007, TBA Leadership Law Class of 2007

2005 – Present, Member, Nashville Bar Association

2014 – 2016, Co-Chair, General Sessions Committee

2008 – 2009, First Vice President, Board of Directors

2006 – 2009, Board of Directors

2006 – Present, Member, Tennessee General Sessions Judges' Conference

2016, Elected Vice President for the Middle Grand Division

2014 – Present, Member, Education Committee

2011 – 2015, Barrister Level Member, Belmont University College of Law American Inn of Court

2011, Steering Committee and Charter Member

2006 – 2009, Member, Lawyers' Association for Women
2007 – 2008, Co-Chair, Diversity Committee

26. List honors, prizes, awards or other forms of recognition which you have received since your graduation from law school which are directly related to professional accomplishments.

Elected Presiding Judge of the Davidson County General Sessions Court by fellow judges for a one year term in 2010 and again in 2017.

Nashville Bar Foundation Fellow.

Tennessee Bar Foundation Fellow.

Napier-Looby Bar Foundation Fellow.

Napier-Looby Bar Foundation J.C. Napier Trailblazer Award.

Nashville Coalition Against Domestic Violence Outstanding State Official Award.

Mid-Cumberland Council on Children and Youth Service Award.

National District Attorneys Association National Advocacy Center.
Completion of Trial Advocacy I and II

27. List any public office you have held or for which you have been candidate or applicant. Include the date, the position, and whether the position was elective or appointive.

September 2006 (Elected), Judge, Davidson County General Sessions Court, Division III.

September 2014 (Re-elected), Judge, Davidson County General Sessions Court, Division III.

ESSAYS/PERSONAL STATEMENTS

28. What are your reasons for seeking this position? (*150 words or less*)

I have always wanted to do something that would positively impact others and serve my community. Early on, I developed a passion for the legal profession because I knew that I could achieve my goal of service through this avenue. I greatly appreciated my service as a prosecutor because it helped me to develop my talents and passion to seek fairness and justice for all who are impacted by our court system. It was that experience to lead me to run for judge in 2006. Over the last eleven years as a General Sessions Court judge, my goal has been to ensure that all who come before the court are treated fairly and with respect, and that justice prevails. I

recognize that serving as a judge requires one to possess a temperament that demonstrates an unbiased decisiveness, compassion, and sensitivity. I am confident that the characteristics I have developed over the last 20 years as a prosecutor and General Sessions Court judge have helped me to cultivate a judicial temperament that will allow me to continue to serve the citizens of our community in a greater capacity.

29. Describe the judgeship you seek (i.e. geographic area, types of cases, number of judges, etc. and explain how your selection would impact the court. **(150 words or less)**)

The Davidson County Criminal Court is a court of record comprised of six divisions having jurisdiction over criminal cases by way of indictment or presentment and misdemeanor appeals from the General Sessions Court. The Court hears approximately 18,000 cases annually. In addition to presiding over jury and bench trials, judges conduct various hearings on motions, sentencing and post-conviction matters. Judicial responsibilities include ensuring fair and impartial proceedings, appropriate docket management to ensure the effective and fair use of court time, and maintaining courtroom decorum and procedure.

My background as a prosecutor and as a General Sessions judge has equipped me with skills that would benefit the Davidson County Criminal Court. As a prosecutor, I have handled countless numbers of cases in the Criminal Courts that have given me the knowledge and experience to preside over the types of matters heard in the Criminal Courts. As a judge, I have developed the temperament and skills that would assist in ensuring fair and impartial proceedings.

30. Will you uphold the law even if you disagree with the substance of the law (e.g., statute or rule) at issue? Give an example from your experience as a licensed attorney that supports your response to this question. **(250 words or less)**

I will uphold the law even if I disagree with the substance of the law. One example that supports this response was a case over which I presided that involved an Order of Protection that I dismissed, first for failure to prosecute, and subsequently on the grounds of res judicata. In this matter, a Temporary Order of Protection was docketed for a hearing. However, the case was dismissed because of the petitioner's failure to appear. The petitioner, who was self-represented, appeared in court the next day and stated that she was confused about the court date. Because the petitioner was self-represented, without giving legal advice, I attempted to explain to her the options that were available, which included either appealing my order of dismissal or filing a motion to set aside the dismissal pursuant to Rule 60. The petitioner instead sought and was granted a new Temporary Order of Protection based on the same facts alleged in the petition for the previous Order of Protection. By the time the respondent was served and the case docketed, the petitioner's right to appeal the original order of dismissal had lapsed pursuant to T.C.A. § 27-5-108. Counsel for the respondent moved to dismiss the second order of protection based on res judicata. In this matter, because the petitioner was self-represented, I was concerned that she had a genuine misunderstanding of court procedures and rules, and that some latitude would have provided her with assistance that may have helped in her understanding. If the facts alleged in the petition had been proven, the petitioner would have been entitled to the protections afforded

in the Order of Protection. However, because the time to perfect the appeal of the dismissal of the original order of protection had lapsed, and because the second order of protection was dismissed on the grounds of res judicata, the petitioner was left without the protection of an Order of Protection.

REFERENCES

31. List five (5) persons, and their current positions and contact information, who would recommend you for the judicial position for which you are applying. Please list at least two persons who are not lawyers. Please note that the Commission or someone on its behalf may contact these persons regarding your application.

A. Victor S. (Torry) Johnson

B. Edward M. Yarbrough

C. Susan Short Jones

D. Verna Wyatt

E. Rev. W. Antoni Sinkfield

AFFIRMATION CONCERNING APPLICATION

Read, and if you agree to the provisions, sign the following:

I have read the foregoing questions and have answered them in good faith and as completely as my records and recollections permit. I hereby agree to be considered for nomination to the Governor for the office of Judge of the Criminal Court of Davidson County, Twentieth Judicial District, Division II of Tennessee, and if appointed by the Governor, agree to serve that office. In the event any changes occur between the time this application is filed and the public hearing, I hereby agree to file an amended questionnaire with the Administrative Office of the Courts for distribution to the Commission members.

I understand that the information provided in this questionnaire shall be open to public inspection upon filing with the Administrative Office of the Courts and that the Commission may publicize the names of persons who apply for nomination and the names of those persons the Commission nominates to the Governor for the judicial vacancy in question.

Dated: August 16, 2017.



Signature

When completed, return this questionnaire to Debbie Hayes, Administrative Office of the Courts, 511 Union Street, Suite 600, Nashville, TN 37219.



**TENNESSEE TRIAL COURT VACANCY COMMISSION
ADMINISTRATIVE OFFICE OF THE COURTS**

511 UNION STREET, SUITE 600
NASHVILLE CITY CENTER
NASHVILLE, TN 37219

**TENNESSEE BOARD OF PROFESSIONAL RESPONSIBILITY
TENNESSEE BOARD OF JUDICIAL CONDUCT
AND OTHER LICENSING BOARDS**

WAIVER OF CONFIDENTIALITY

I hereby waive the privilege of confidentiality with respect to any information that concerns me, including public discipline, private discipline, deferred discipline agreements, diversions, dismissed complaints and any complaints erased by law, and is known to, recorded with, on file with the Board of Professional Responsibility of the Supreme Court of Tennessee, the Tennessee Board of Judicial Conduct (previously known as the Court of the Judiciary) and any other licensing board, whether within or outside the State of Tennessee, from which I have been issued a license that is currently active, inactive or other status. I hereby authorize a representative of the Trial Court Vacancy Commission to request and receive any such information and distribute it to the membership of the Commission and to the Office of the Governor.

Angelita Blackshear Dalton
Type or Print Name


Signature

August 16, 2017
Date

019762
BPR #

Please identify other licensing boards that have issued you a license, including the state issuing the license and the license number.
